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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BOTSTEIN, et al. Docket No.: 39780-2730P1C14
Serial No.: 09/990,436 Group Art Unit: 1646
Filing Date: November 14, 2001 Examiner: Kemmerer, Elizabeth

SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME

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PRELIMINARY AMENDMENT

MS: RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

On August 19, 2005, the Examiner made a final rejection to pending Claims 119-123. A Notice of Appeal was filed on November 17, 2005, and Applicants' Appeal Brief was filed February 13, 2006.

Applicants submit herewith a Preliminary Amendment, which accompanies a Request for Continued Examination under 37 C.F.R. §1.114 for the above identified application. This Amendment is being timely filed requesting no extension of time. Applicants' arguments presented in the previously filed Appeal Brief and Reply Brief are incorporated herewith in their entirety.

This Preliminary Amendment is concurrently filed with an Information Disclosure Statement with additional references in support of the Applicants' arguments and with the submission of a new Declaration under 37 C.F.R. §1.132 by Dr. Paul Polakis with Exhibits A and B. Entry of these documents and consideration of the following arguments is respectfully requested.

Remarks/Arguments begin on page 2 of this paper.